

REMARKS

In the Action mailed on November 1, 2006, the Examiner took the following action: (1) objected to claims 1 and 4; and (2) rejected claims 1-2, 4, 12 and 27 under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,195,811 to Dragovic (Dragovic). Applicants respectfully request reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks.

I. Objections to Claims 1 and 4

The Examiner objected to claim 1 on the assertion that “it is not clear whether the adhesive tape is claimed or not.” Respectfully, the term “adhesive tape” is completely lacking from the both the claims and the specification. In fact, the word “tape” is not be found anywhere in the application.

Claim 1 recites a utility bracket comprising structural features resulting in a specific cooperation between the utility bracket, an adhesive and a support structure. Neither the adhesive nor the support structure is claimed. Applicant respectfully submits that claim 1 is clear and unambiguous. Applicant further respectfully requests that the objection to claim 1 be withdrawn.

The Examiner objected to claim 4, which depends from claim 1, on the assertion that “the separation component” is lacking antecedent basis. Applicant has amended claim 4 has indicated above to correct the antecedence issue. Applicant believes that the objection to claim 4 has been fully addressed and respectfully requests that the objection be withdrawn.

II. 35 U.S.C. 102

Claims 1-2, 4, 12 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent no. 6,195,811 to Dragovic (Dragovic).

Claims 1-2, 4, 12, and 44-45

As amended, claim 1 recites in relevant part a utility bracket that includes first and second portions, *“the second portion extending outwardly from the first portion to form an enclosed angle therebetween, the second portion having an inner surface adjacent to the enclosed angle and an outer surface opposite from the inner surface, wherein the second portion includes a plurality of separation features projecting outwardly from the outer surface”* Applicants respectfully submit that Dragovic fails to teach or fairly suggest the utility bracket recited in claim 1. Specifically, the ridge 27 of Dragovic projects outwardly from the inner surface rather than the outer surface as recited in claim 1.

In addition, claim 1 recites “wherein the second portion includes a plurality of separation features, the separation features including at least one of dimples and ridges, configured to separate the second portion from the support structure by a predefined amount,” “wherein the plurality of separation features maintains separation by a predefined amount throughout a process of adhering the second portion to the support structure,” and “wherein the size of the plurality of separation features is based on an amount of adhesive used in the process of adhering the second portion to the support structure.”

Dragovic fails to provide that dimples and/or ridges that are configured to separate a second portion from a support structure by a predefined amount. Also, Dragovic fails to provide that a plurality of separation features that maintain separation by a predefined amount throughout a process of adhering a second portion to a support structure. Furthermore, Dragovic fails to provide that the size of the plurality of separation features is based on an amount of adhesive used in the process of adhering a second portion to a support structure.

Rather, Dragovic provides, in salient part:

A particularly preferred attachment device 17 comprises interface bracket 19 illustrated in FIGS. 2-6. The bracket 19 includes a horizontal serrated lip 21 integrally formed with a vertical plate 23. Lip 21 can be unserrated, if desired.

The vertical plate 23 has first and second protrusions or dimples 25, 27 formed adjacent its top edge 29. As seen in FIGS. 5 and 6, each of these dimples 25, 27 may have a conically shaped segment 31 leading to a flat circular portion 33 with a central hole 35 therein. The central holes 35 serve as pre-drilled pilot holes for subsequent attachment operations.

(Col. 2, lines 14-24 of Dragovic).

The interface brackets 19 can be readily applied to the side surface 20 by forming conforming depressions 26 to receive the respective dimples 25, 27 and a horizontal slit or groove 22 to receive the horizontal lip 21 as illustrated in FIG. 7. Such slits and depressions are relatively easily cut and punched into the relatively soft foam side surface 20. Once the slits or depressions are formed, the release tape 37 is peeled off, the horizontal lip 21 is inserted into a receiving slit 22, and the adhesive bearing surface is pressed against the foam side 20. The dimples 25, 27 and lip 21 serve to maintain the bracket 19 in position with respect to the side surface 20. Once each bracket 19 is installed, vertically running strips 41 of adhesive tape may be further applied from the top surface of the cover section, down the side 20, over the outside surface 38 of the brackets 19 and against the bottom surface of the cover 11 to further secure retention of the brackets 19.

(Col. 2, lines 34-50 of Dragovic).

Dragovic is directed to brackets (19) including dimples (25, 27) configured to be received in corresponding depressions (i.e., holes, or voids) formed in an underlying foam material. Furthermore, the dimples (25, 27) of Dragovic are clearly depicted as formed along a single edge (29) of the bracket (19) (See Fig. 2 of Dragovic). Dragovic does not teach or suggest that such dimples (25, 27) serve to separate any portion of the bracket (19) a predefined amount from a support structure or any other entity - in fact, the just the opposite is true.

Furthermore, a simple inspection of the drawings of Dragovic reveals that the dimples (25, 27) are unsuitable for serving a separation (i.e., spacing) function, as only the edge portion (29) proximate to the dimples (25, 27) would be held away from another entity - *assuming, for the sake of argument alone, that receiving depressions were never formed in an underlying foam material in the first place*. In any case, Dragovic does not anticipate the subject matter of claim 1.

Accordingly, independent claim 1 is allowable over Dragovic. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

Claim 2, 4, and 12 depend from claim 1, and at the least, are allowable based on the arguments presented in support of claim 1. Accordingly, dependent claims 2, 4, and 12 are allowable over Dragovic. Furthermore, claim 4 has been amended to further clarify the patentable recitations thereof. Applicant asserts that the subject matter of claim 4, as presently presented, is not anticipated by Dragovic.

New claims 44 and 45 further define over Dragovic. Specifically, claim 44 recites the utility bracket of Claim 1, wherein the plurality of separation features comprise a plurality of dimples, and *wherein the plurality of dimples are distributed in a non-linear arrangement on the outer surface of the second portion*. Dragovic fails to teach or suggest the limitations recited in claim 44 because Dragovic teaches that the ridges 27 are linearly disposed. Furthermore, claim 45 recites the utility bracket of Claim 44, wherein the plurality of dimples comprise *a plurality of non-apertured dimples configured to be mated to an adhesive layer formed on the support structure*. Dragovic fails to teach or suggest the limitations recited in claim 45 because the ridges 27 taught by Dragovic include apertures 35 that would undesirably allow adhesive to flow through from the outer surface to the inner surface of the second portion. Thus, for these additional reasons, claims 44-45 are also not taught or fairly suggested by the cited references.

Claims 27 and 46-47

As amended, claim 27 recites in relevant part a utility bracket system that includes first and second portions, *"the second portion extending outwardly from the first portion to form an enclosed angle therebetween, the second portion having an inner surface adjacent to the enclosed angle and an outer surface opposite from the inner surface, wherein the second portion includes a plurality of separation features projecting outwardly from the outer surface ..."* Applicants respectfully submit that Dragovic fails to teach or fairly suggest the utility bracket

system recited in claim 2. Specifically, the ridge 27 of Dragovic projects outwardly from the inner surface rather than the outer surface as recited in claim 27.

Claim 27 also recites “wherein the second portion includes a plurality of dimples configured to separate the second portion from the support structure by a predefined constant amount throughout a process of adhering the second portion to the support structure, and wherein the size of the plurality of dimples is based on an amount of adhesive used in the process of adhering the second portion to the support structure”. Thus, claim 27 is allowable over Dragovic for the additional reasons set forth above with respect to claim 1.

In addition to those arguments made above in regard to claim 1, Dragovic does not anticipate that dimples are sized based on an amount of adhesive used in adhering a second portion to a support structure. Accordingly, independent claim 27 is allowable over Dragovic. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 27.

New claims 46 and 47 further define over Dragovic. Specifically, claim 46 recites the utility bracket system of Claim 27, wherein the plurality of separation features comprise a plurality of dimples, and *wherein the plurality of dimples are distributed in a non-linear arrangement on the outer surface of the second portion*. Dragovic fails to teach or suggest the limitations recited in claim 46 because Dragovic teaches that the ridges 27 are linearly disposed. Furthermore, claim 47 recites the utility bracket of Claim 46, wherein the plurality of dimples comprise *a plurality of non-apertured dimples configured to be mated to an adhesive layer formed on the support structure*. Dragovic fails to teach or suggest the limitations recited in claim 47 because the ridges 27 taught by Dragovic include apertures 35 that would undesirably allow adhesive to flow through from the outer surface to the inner surface of the second portion. Thus, for these additional reasons, claims 46-47 are also not taught or fairly suggested by the cited references.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that claims 1-2, 4, 12, 27, and 44-47 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Dated: Feb. 27, 2007

By: Dale C. Barr
Dale C. Barr
Lee & Hayes, PLLC
Reg. No. 40,498
(206) 315-7916